

MATTER OF THE STUYVESANT INSURANCE COMPANY

In Bond Cancellation Proceedings

A-18323023

Decided by Acting Regional Commissioner April 9, 1970

A maintenance of status and departure bond posted in behalf of a nonimmigrant visitor was properly breached when the alien violated the conditions of his nonimmigrant status by accepting employment during the period of his authorized admission even though he was subsequently granted adjustment of status to that of a lawful permanent resident based on an application under section 245, Immigration and Nationality Act, as amended, filed after he had violated his status.

ON BEHALF OF APPELLANT: Czeslaw L. Rawski, Esquire
1608 Milwaukee Avenue
Chicago, Illinois 60647

This case is before the Regional Commissioner on appeal from the District Director's decision of March 16, 1970 breaching the bond on which the appellant was the obligor. The bond in the amount of \$2500 was posted on June 21, 1968 as a condition to the issuance of a nonimmigrant visitor's visa to the alien and of his admission to the United States in that status.

The alien was admitted to the United States as a visitor for pleasure on October 21, 1968 until February 16, 1969. On February 4, 1969 his application for an extension of stay was approved until August 16, 1969. It is noted that he made no response to item 9 on the application concerning employment in the United States.

On December 5, 1969 a petition to accord the alien sixth preference immigrant classification was approved. On February 2, 1970 he was accorded permanent resident status pursuant to section 245 of the Immigration and Nationality Act, based on an application filed April 30, 1969.

By the terms of the bond in question the alien was required to comply with two specific conditions: that he depart from the United States on or before the date to which admitted or the date to which his stay was extended and that he accept no employment